

District Court Of The United States
(an article III Constitutional Court)
For The Southern District Of Ohio

FILED
RICHARD W. NAGEL
CLERK OF COURT
2016 APR -6 PM 2:15

BUTLER COUNTY OHIO
a municipal corporation of the
State of Ohio, Butler County Court
City of Hamilton Court

Plaintiff/Respondent

-against-

Achashverosh Adnah Ammiyhuwd
Administrator
sui juris,

Defendant/Petitioner.

:
: DKT. NO.: 1-16CV401
:
: DKT. NO.: 16TRD01584
: 16CRB00951
:
: DECLARATION IN SUPPORT OF
: OPPOSITION TO MAGISTRATES
: REPORT AND RECOMMENDATION
: WITH EXHIBIT A

DECLARATION IN SUPPORT OF OPPOSITION TO MAGISTRATES
REPORT AND RECOMMENDATION WITH EXHIBIT A

I Achasverosh Adnah of the family Ammiyhuwd , Hereby declare that I am a natural, common, live breathing, flesh and blood man, under common law an agent of the Most High creator; *sui juris (pro se)*, a Sovereign and Self Determination Hebrew Israelite American National Republic, by special appearance, not submitting to the lower court's jurisdiction and reserving all my unalienable fundamental rights under the United States Constitution, the Bill Of Rights with a reservation of all my rights under the Uniform Commercial Code (UCC) §§ 1-308, (1-207), and UCC 1-103.6 without prejudice.

1. I am *sui juris*! However, although I am *sui juris*, I do not wave any of my rights and privileges as a *pro se* litigant. Even though I am saying that I am competent, does not mean that I am competent in the ways of law of all courts rules, regulations and procedures.
2. I am *sui juris* and awake to that part of life my Most High creator, Ahayah BaHaSham Yashaya Ha Messiah and Ruwach Ha Holy Spirit allows me to be in full life.
3. I am a spiritual fundamental interstate transit common law traveler.
4. On or around 03/09/2016, my lawful plates on my privet automobile read:
"Sovereign and Self Determination Hebrew Israelite American National Republic;
United States of America Constitution; Bill of Rights; COMMON LAW; Without

prejudice (UCC) §§ 1-308; (1-207); UCC 1-103.6; 18 U.S.C 241; Private Property; 1st Amendment; 2nd Amendment; 28 U.S. Code 1746(1); RIGHT TO TRAVEL; 4th Amendment; 5th Amendment; Title 8 USC 1481(a); Title 8 USC § 1502; 9th Amendment; 10th Amendment; Not for Hire; None Commercial; 18 U.S. Code § 242; ROYAL TRIBE OF JUDAH.”

5. On or around 03/09/2016, I was lawfully traveling commerce from the state of Indiana, to the state of Ohio.
6. On or around 03/09/2016, under color of law, I was willfully, intentionally; unlawfully and illegally stopped by Officer Eric Taylor of the City of Hamilton, Ohio Police Department without probable cause and without any reasonable suspicion that I had committed a crime. In violation of my fourteenth Amendment right and Commerce Clause.
7. On or around 03/09/2016, under color of law, at Walnut and Martin Luther King Boulevard, Officer Taylor asked me for a driver license.
8. On or around 03/09/2016, I explained to Officer Taylor that I didn't have a driver license and I then gave Officer Taylor my lawful sovereign and self determination Hebrew Israelite American National Republic common law ID.
9. On or around 03/09/2016, at Walnut and Martin Luther King Boulevard, I explained to Officer Taylor that I did not drive, and that I was not driving a motor vehicle in civil law commercial commerce but that I was asserting my fundamental interstate liberty right to travel in my private automobile in common law.
10. On or around 03/09/2016, at Walnut and Martin Luther King Boulevard, Officer Taylor Supervisor, Sgt John Fischer arrived on the scene.
11. On or around 03/09/2016, under color of law, at Walnut and Martin Luther King Boulevard, because I would not give Officer Taylor a driver license that I didn't have, Officer Taylor and Officer Fischer decided to willfully, intentionally and unlawfully cite me for driving without a license and failure to register my automobile. In violation of 18 U.S. Code §§ 241; 18 U.S.C 242; 18 U.S.C 245; 42 U.S.C 1981; 42 U.S.C 1983; 42 U.S.C 1985; 42 U.S.C 1986; 42 U.S.C 1988 and The Civil Rights Act of 1964.
12. On or around 03/09/2016, under color of law, at Walnut and Martin Luther King Boulevard, Officer Taylor and Officer Fischer ask me to step out of my private automobile because they were going to have my private automobile towed and impound.
13. On or around 03/09/2016, at Walnut and Martin Luther King Boulevard, I disagreed with Officer Taylor and Officer Fischer, citing me, entering into any contracts with Officer Taylor and Officer Fischer, I disagreed with my private automobile being

towed/impound and stepping out of my private automobile. In violation of my Fourth Amendment rights.

14. On or around 03/09/2016, under color of law, at Walnut and Martin Luther King Boulevard, Office Taylor and Officer Fischer willfully, intentionally and unlawfully stated that I was under arrest for Obstructing official business. In violation of my Fourth Amendment rights.
15. On or around 03/09/2016, under color of law, at Walnut and Martin Luther King Boulevard, Office Taylor and Officer Fischer once again ask me to step outside of my private automobile. Once again, I refused. In violation of my Fourth Amendment rights.
16. On or around 03/09/2016, under color of law, at Walnut and Martin Luther King Boulevard, Office Taylor without my consent and against my objection willfully, intentionally, unlawfully and illegally reached his hands through my driver side window, into my automobile and unlocked my driver side door. In violation of my Fourth Amendment rights.
17. On or around 03/09/2016, under color of law, at Walnut and Martin Luther King Boulevard, Officer Fischer proceed to unlawfully pull me and yank me out of my automobile against my will, objections and consent, while still buckled to my set hurting my left arm and shoulder. In violation of my Fourth Amendment rights.
18. On or around 03/09/2016, under color of law, at Walnut and Martin Luther King Boulevard, Office Taylor and Officer Fischer slammed my automobile door closed on my seat belt while I was still entangled and then unlawfully charged me with resisting an arrest. In violation of my Fourth Amendment rights.
19. On or around 03/09/2016, under color of law, at Walnut and Martin Luther King Boulevard, I was hand cuffed by Officer Fischer and then forcibly grabbed by an unknown officer, Officer Doe, by my left arm and forced into the back set of Officer Taylor's patrol car. In violation of my Fourth Amendment rights.
20. On or around 03/09/2016, under color of la, at Walnut and Martin Luther King Boulevard, Office Taylor, Officer Fischer and the unknown Officer began illegally searching through my private automobile, my wallet, all of my private property without my consent and against my objections. In violation of my Fourth Amendment rights, of 18 U.S. Code §§ 241; 18 U.S.C 242; 18 U.S. Code 245; 42 U.S. Code 1981; 42 U.S.C 1983; 42 U.S.C 1985; 42 U.S.C 1986; 42 U.S.C 1988 and The Civil Rights Act of 1964.
21. On or around 03/09/2016, under color of law, at Walnut and Martin Luther King Boulevard, my 2001 Lincoln SL was unlawfully towed by Marcell's Towing Inc at 1631 Bender Ave, Hamilton, OH 45011 against without my consent, against my objections and will, where it still sits accumulating \$20.00 interest each day it's impound. In violation of my Fourth Amendment rights.

22. On or around 03/09/2016, under color of law, I was unlawfully and illegally taken to the Hamilton, Ohio Police Department by Officer Taylor where I was willfully, intentionally, unlawfully and illegally booked and then transferred to the Butler county Jail. In violation of my Fourth Amendment rights.
23. On or around 03/09/2016, under color of law, I was unlawfully and Illegally book at the Butler County Jail forced to shower and to wear Jail clothing, and placed into a solitary cell. In violation of my Fourth Amendment rights.
24. On or around 03/10/2016, I made a special appearance, at first appearance in court in front of Judge Daniel J. Gattermeyer, and reserved all my unalienable rights of the United States Constitution and Bill Of Rights and Reservation of my rights without prejudice under the Uniform Commercial Code (UCC) §§ 1-308, (1-207) and UCC 1-103.6. Chills exercise of First Amendment rights.
25. On or around 03/10/2016, under color of law, Judge Gattermeyer, OR me on the failure to provide drivers license, and failure to register vehicle, gave a 2,000.00 bound on the Obstructing official business and 2,000.00 on Resisting arrest.
26. On or around 03/10/2016, I never declared that I was indigent, never signed any indigent form and never asked for an attorney. Nor have I waived any of my rights to an attorney.
27. On or around 03/10/2016, under color of law, my finger prints and picture were willfully, intentionally, unlawfully and forcefully taken from me against my will and without my consent by DOE 1 and DOE 2 of the City of Hamilton Police Department. In violation of my fourth Amendment right.
28. On or around 03/10/2016, under color of law, Officer Taylor willfully, intentionally and unlawfully signed a complaint, Affidavit and Warrant, and filed it with the Hamilton, Municipal Court Clerk. Attached here as Exhibit A.
29. On or around 03/10/2016, under color of law, Officer Taylor never stated probable cause or gave a reason in his complaint why he stopped me 03/09/2016, nor did he have a reasonable suspicion that I had committed a crime nor did he give a reasonable suspicion in his complaint he filed, the stop, the citation and all charges are all illegal and unlawful.
30. On or around 03/12/2016, I was released on bail in which I signed my name with a reservation of rights without prejudice under UCC§ 1-308, (1-207) on all documents.
31. On or around 03/17/2016, I made a special appearance in court, at arraignment in front of Judge Gattermeyer, and never plead, Not Guilty, Guilty, or No Contest but reserved all my unalienable rights of the United States Constitution and Bill Of Rights with Reservation of my rights without prejudice under UCC §§ 1-308, (1-207) and UCC 1-103.6. Chills exercise of First Amendment rights.

32. On or around 03/31/2016, I filed with the clerk of court a demand to strike/dismiss with prejudice the complaint, affidavit and warrant filed by Officer Eric Taylor for failure to present a cause of action or crime, lack of standing and a requested the state court to provide a full finding of fact and conclusion of law given to all parties in court.
33. On or around 03/31/2016, I made a special appearance in court, the day of trial in front of Judge Gattermeyer, and reserved all my unalienable rights of the United States Constitution and Bill Of Rights, with a Reservation of my rights without prejudice under UCC §§ 1-308, (1-207) and UCC 1-103.6. Chills exercise of First Amendment rights.
34. On or around 03/31/2016, under color of law, the court refused to provide a full finding of fact and conclusion of law and refused to dismiss the matter with prejudice against my objection. Chills exercise of First Amendment rights.
35. Indeed, the word "travel" is not mentioned within the text of the Constitution. "Yet the 'constitutional right to travel from one State to another' is firmly embedded in our jurisprudence." *Saenz v. Roe* (1999), 526 U.S. 489, 498, 119 S.Ct. 1518, 1524, 143 L.Ed.2d 689, 701, quoting *Guest*, 383 U.S. at 757, 86 S.Ct. at 1178, 16 L.Ed.2d at 249.
36. Indeed, "the right is so important that it is 'assertable against private interference as well as governmental action * * * a virtually unconditional personal right, guaranteed by the Constitution to us all.' "Id., quoting *Shapiro v. Thompson* (1969), 394 U.S. 618, 643, 89 S.Ct. 1322, 1336, 22 L.Ed.2d 600, 620 (Stewart, J., concurring). Stated succinctly, "[t]he constitutional right to travel from one State to another * * * occupies a position fundamental to the concept of our Federal Union. It is a right that has been firmly established and repeatedly recognized." (Emphasis added.) *Guest*, 383 U.S. at 757, 86 S.Ct. at 1178, 16 L.Ed.2d at 249.
37. I have a right to travel freely in my private automobile, unencumbered, and unfettered.
38. The term 'motor vehicle' is different and broader than the word 'automobile.'" -*City of Dayton vs. DeBrosse*, 23 NE.2d 647, 650; 62 Ohio App. 232
39. Title 18 USC 31 (6)(10)
- " 1 'Motor vehicle' ' means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in transportation of passengers, passengers and property, or property and cargo; ... Used for commercial purposes" means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit [.] " 18 U.S. C. 31 .

40. "A motor vehicle or automobile for hire is a motor vehicle, other than an automobile stage, used for the transportation of persons for which remuneration is received." International Motor Transit Co. vs. Seattle, 251 P. 120.

41. Automobile Is A Household Good Under Law And UCC 9

42. "The term household goods" ... includes everything about the house that is usually held and enjoyed therewith and that tends to the comfort and accommodation of the household. Lawwill v. Lawwill, 515 P. 2d 900, 903, 21 Ariz. App. 75" 19A Words and Phrases - Permanent Edition (West) pocket part 94. Cites Mitchell's Will below.

43. "The definition of goods ' ' includes an automobile." Henson v Government Employees Finance & Industrial Loan Corp . , 15 UCC Rep Serv 1137; 257 Ark 273,516 S . W. 2d 1 (1974) .

44. "The word 'automobile' connotes a pleasure vehicle designed for the transportation of persons on highways." American Mutual Liability Ins. Co., vs. Chaput, 60 A.2d 118, 120; 95 NH 200.

45. "Bequest ... of such " household goods and effects" ... included not only household furniture, but everything else in the house that is usually held and used by the occupants of a house to lead to the comfort and accommodation of the household. State ex rel. Mueller v. Probate Court of Ramsey County, 32 N.W.2d 863, 867, 226 Minn. 346." 19A Words and Phrases - Permanent Edition (West) 514.

46. "Automobile purchased for the purpose of transporting buyer to and from his place of employment was consumer goods" as defined in UCC 9-109." Mallicoat v. Volunteer Finance & Loan Corp . , 3 UCC Rep Serv 1035; 415 S.W.2d 347 (Tenn.App . , 1966).

47. "A soldier's personal automobile is part of his household goods [.]' U.S. v Bomar, C.A.5(Tex.), 8 F.3d 226, 235" 19A Words and Phrases - Permanent Edition (West) pocket part 94.

48. "The provisions of UCC 2-316 of the Maryland UCC do not apply to sales of consumer goods (a term which includes automobiles, whether new or used, that are bought primarily for personal, family, or household use) ." Maryland Independent Automobile Dealers Assoc., Inc. v Administrator, Motor Vehicle Admin . , 25 UCC Rep Serv 699; 394 A. 2d 820, 41 Md App 7 (1978).

49. "An automobile was part of testatrix' household goods" within codicil. In re Mitchell's Will, 38 N.Y.S.2d 673, 674, 675 [1942]." 19A Words and Phrases - Permanent Edition (West) 512. Cites Arthur v Morgan, supra.

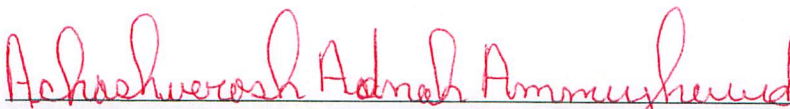
50. "[T]he expression ^ personal effects" clearly includes an automobile [.] " In re Burnside's Will , 59 N.Y.S.2d 829, 831 (1945). Cites Hillhouse, Arthur, and Mitchell's Will, supra.
51. "[A] yacht and six automobiles were ' "personal belongings" and ~ household effects!.] In re Bloomingdale ' s Estate , 142 N.Y.S.2d 781, 782 (1955).
52. The state of Ohio has arbitrarily, erroneously and unlawfully, attempted to convert my right into a privilege and issue a license and a fee for it.
53. Murdock v. Pennsylvania, 319 U.S.105., "No state may convert a secured liberty into a privilege, and issue a license and fee for it." and "If the state does convert a right into a privilege and issue a license and charge a fee for it, you can ignore the license and fee and engage in the right with impunity." Shuttlesworth v. Birmingham, Alabama, 373 U.S. 262.
54. City of Chicago v Cullens, et al, 51 N.E. 907, 910, etc. (1906)"A license is a privilege granted by the state" and "cannot possibly exist with reference to something which is a right...to ride and drive over the streets". "If we allow the City of Chicago to require the licensing of horseless carriages, how long be the City of Chicago would want to require license to ride a horse or to walk upon the streets?
55. I am relying on previous Supreme Court decisions as a constitutional defense; I have the perfect defense for willfulness.
56. I am immune from prosecution; therefore, prosecution does not have a cause of action for which relief can be granted.
57. Clearly, an automobile is private property in use for private purposes, while a motor vehicle is a machine which may be used upon the highways for trade, commerce, or hire.
58. (a) The controlling rule is that "Absent a knowing and intelligent waiver, no person may be impressed for any offense...unless he was represented by counsel at his trial." Argersinger, 407 U.S., at 37. Pp. 5-6" Alabama v Shelton 535 U.S. 654.
59. "When the trial of a misdemeanor starts that no imprisonment may be imposed, even though local law permits it, unless the accused is represented by counsel." Argersinger v. Hamlin, 407 U.S. 25, 40 (1971).
60. Miller v. United States, 230 F.2d 486 (5th Cir. 1956); "The claim and exercise of a constitutional right cannot be converted into a crime." Evelyn Miller stood on her Fourth Amendment rights and refused to allow a U.S. Marshal into her home without a search warrant, federal prosecutors charged her with "obstruction of justice." In reversing her conviction, the court noted that Miller "asserted a right which was hers, and which none could take away. That it . . . subjected the officers to the

inconvenience of getting a lawful writ, neither detracts from this right nor subjects her to a crime for having asserted it." Id. at 489-490.

61. *Sherar v. Cullen*, 481 F. 946: "There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights."
62. *My photograph and fingerprints are my private property. Davis v. Mississippi*, 394 U.S. 721 (1969):
63. So, what probable cause and reasonable suspicion of a crime did Officer Taylor have to stop me from lawfully traveling to issue me citations for failure to provide a drivers license and failure to register my private automobile?
64. How did Officer Taylor, his supervisor Fischer and the unknown officer, Officer Doe get to the point of willfully, intentionally, and unlawfully arresting me for obstruction of official business and resisting arrest if Officer Taylor never had any legal or lawful business being there in first place?
65. If anything, the lawful plates on my private automobile on 03/09/2016, gave Officer Taylor, Officer Fischer and Officer Doe, warning and notice not to do anything unlawful or illegal against me including bad faith, harass me?
66. All parties in this matter has and continues to unlawfully and illegally subject me to immediate irreparable injury.
67. I am moving and demanding dismissal of this matter for failure to state a cause of action and for lack of standing .

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed in the United States of America of the several states republic, this 5 day of April, 2016

Signature



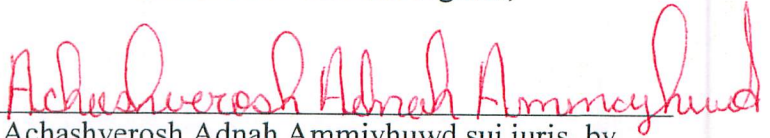
**Sovereign Hebrew Israelite American National name 28 U.S. Code § 1746(1);
UCC §§ 3-401(b)**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Above declaration in support of opposition to Magistrate's Report and Recommendation and Exhibit A (copy of complaint, affidavit and warrant) filed by officer Eric Taylor, was served upon Michael T. Gmoser PROSECUTOR, at 315 High Street, 11th Floor, Hamilton, Ohio 45011 (513) 887-3474, Michelle L. Deaton, CLERK OF COURT, 345 High Street Floor 2, Hamilton, OH 45011, (513) 785-7300 FAX (513) 785-7315, Daniel J. Gattermeyer JUDGE, 345 High Street Floor 2, Hamilton, OH 45011, (513) 785-7300, FAX (513) 785-7315, and Office of the Clerk Potter Stewart U.S. Courthouse Room 103, 100 East Fifth Street Cincinnati, Ohio 45202 Phone:(614) 719-3000 (Case No 1-16 CV 401) by mail on April 5, 2016

Kindest and warmest regards,

Signed



Achashverosh Adnah Ammiyhuwd sui juris, by
special appearance

In care of 509 S. Front Street Apt 4

Non Domestic-without US

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Real Land North America

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